

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, February 11, 2013

Those Present: Mr. James E. McClellan, Chairman
Mr. Richard E. Zimmerman, Board Member
Mrs. Maggi Hays, Board Member
Mrs. Linda B. Thall, Sr. Assistant County Attorney
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Mr. Frank Rauschenberg, Alcoholic Bev. Inspector
Ms. Kathy L. Vahle, Administrator
Mrs. Sandra Rees, Administrative Specialist IV
Mrs. Penny Bussard, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:45 am by Chairman McClellan.

1. **Letter from a Licensee** – Ms. Vahle received a letter from one of the licensees stating that the new wine license is being applied for under a girlfriend/partner or wife's name. The gentleman is a solicitor and works for one of the distributors. This issue falls under the Comptroller's Office as they are licensed by the Comptroller.
2. **Protests** – Ms. Vahle stated there would a protest against DJ Liquors from Golden Mile Liquors. Also a protest against A-1 Beer and Wine by another licensee.
3. **Draft of Letter to Send to Delegation** – Mr. Zimmerman stated that he with Kathy Vahle's input on the financial information drafted a letter to the Delegation regarding the fact that the Liquor Board did not get a chance to comment on the two Bills that were passed on January 25, 2013 by the Delegation.
4. **Closed Session** – Ms. Vahle stated that the Board will have to vote to go into closed session to discuss a legal matter after the Hearing.
5. Decision Required: New

RE: Raheel Johri and
Ayesha Asif
for the use of Ayat LLC

t/a A-1 Beer and Wine
11791 Fingerboard Rd.
Monrovia, MD 21770
Class A, Off Sale, Beer and Light Wine

The Board held a hearing for a new license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: Retail Sales Tax license, the Zoning, the Occupancy Permit, the Fire Marshal, the Alcohol Awareness and the Inspector's report. The applicant stated all permits were submitted and they should be approved by the end of the week.

Protest: Kereakos Zuras owner of the Monrovia BP stated that there were already five stores located in close proximity in this shopping center that sells to go packages. There is no additional growth in Monrovia and only in New Market. This additional store would be a hardship on these already established stores. Juliet Nalley stated she is a resident of the community and she does not feel the need of another store in the area and located next door to this proposed A-1 Beer and Wine Store is a Daycare Center. Petrus Petrossian owner of the Green Valley Convenience Store stated there is no new developments coming into Monrovia and does not think there should be any more businesses. Also letters written in protest were from Kemptown Grocery, Susan and Edward Smith and Sandra Webb residents in the community.

MOTION: Mr. Zimmerman made a motion for denial.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman - Aye
Mrs. Hays - Aye
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

6. Decision Required: Transfer

TRANSFER FROM:

RE: Thavy El, Yogeshkomar
Patel and Kiritsinh
Parmar for the use of
Oaktree Liquors, LLC
t/a DJ Liquors
1306 W. Patrick St.
Suite 13
Frederick, MD 21703
Class A, Off Sale, Beer, Wine and Liquor,
Sunday Permit

TRANSFER TO:

RE: Thavy El, Yogeshkomar
Patel, Kiritsinh Parmar
for the use of
Oaktree Liquors, LLC
t/a DJ Liquors
1313 W. Patrick St.
Frederick, MD 21702
Class A, Off Sale, Beer, Wine and Liquor
Sunday Permit

The Board held a hearing for a transfer/relocation of a license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: Final Zoning, the Occupancy permit, the Fire Marshal and the Inspector's report. The applicant stated they need to do some corrections before the permits can be approved. Also they are relocating because there will be more space in the new location and the lease is on a month to month basis.

Protest – Chris Simpson, owner of Golden Mile Liquors stated this location would be too close to his store and his sales have already declined. It would be detrimental to both businesses.

MOTION: Mr. Zimmerman made a motion for a conditional approval until May 6, 2013.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman - Aye
Mrs. Hays - Aye

Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

7. Decision Required: Transfer

TRANSFER FROM:

RE: Francesco Illiano and
Katherine Scheel
for the use of Frederick
Greene Turtle LLC
t/a The Greene Turtle
50 Citizens Way,
Suite 101
Frederick, MD 21701
Class B, On Sale, Beer, Wine & Liquor

TRANSFER TO:

RE: Francesco Illiano and
Amber Rene Himes for
the use of Frederick
Greene Turtle LLC
t/a The Greene Turtle
50 Citizens Way,
Suite 101
Frederick, MD 21701
Class B, On Sale, Beer, Wine & Liquor

The Board held a hearing for a transfer of a license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: the Retail Sales Taxes, the background check from Carroll County. The applicant stated the taxes will be paid this week. Inspector Rauschenberg stated they are compliant.

MOTION: Mrs. Hays made a motion for a conditional approval until the end of February.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mrs. Hays - Aye
Mr. Zimmerman - Aye

Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

8. Decision Required: Transfer

TRANSFER FROM: RE: Jin Qiu Lin, Hai Sheng
Lin and Ying Hua Wu
for the use of Qiu
Corporation
t/a Market Basket II
7005 Blue Mountain Rd.
Thurmont, MD 21788
Class A, Off Sale, Beer and Light Wine
Sunday Permit

TRANSFER TO: RE: Tha Samreth, Thana
Srasvoleak and Kane Poe
Shim for the use of
Samreth Thana Corp
t/a Market Basket
7005 Blue Mountain Rd.
Thurmont, MD 21788
Class A, Off Sale, Beer and Light Wine
Sunday Permit

The Board held a hearing for a transfer of a license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: the Zoning, the Occupancy Permit, Fire Marshal approval, the Bulk Transfer Permit, Alcohol Awareness. The applicant stated the establishment needed to be reinspected. Inspector DeLauter stated they are compliant.

MOTION: Mr. Zimmerman made a motion for a conditional approval until May 6, 2013.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman - Aye

Mrs. Hays - Aye
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

9. Decision Required: Transfer

TRANSFER FROM:

RE: Michael Fay, Jennifer
Anderson and Veronica
Mozzano for the use of
SWH Frederick
Maryland Inc.
t/a Mimi's Cafe
5120 Buckeystown Pike
Frederick, MD 21704
Class B, On Sale, Beer Wine and Liquor

TRANSFER TO:

RE: Holly Gustafson, James
Kosakowski and
Veronica Mozzano for
the use of SWH
Frederick Maryland Inc.
t/a Mimi's Cafe
5120 Buckeystown Pike
Frederick, MD 21704
Class B, On Sale, Beer Wine and Liquor

The Board held a hearing for a transfer of a license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: one signature on the Consent to Transfer form. The applicant stated that the Consent to Transfer form had been signed and put in the mail. Inspector DeLauter stated that they are compliant.

MOTION: Mr. Zimmerman made a motion for a conditional approval until February 25, 2013.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman - Aye
Mrs. Hays - Aye
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

10. Decision Required: New

RE: Charles Seymour, Susan
Seymour and Thomas
Seymour for the use of Orion
Wine and Spirits LLC
t/a Orion Wine and Spirits
8927 Fingerboard Rd.
Unit F & G
Frederick, MD 21704
Class A, Off Sale, Beer, Wine and Liquor
Sunday Permit

The Board held a hearing for a new license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: the Zoning, the Final Occupancy permit, the Fire Marshal, the Alcohol Awareness, and the Inspector's Report. The applicant stated they will not be ready until after May or July, 2013.

MOTION: Mr. Zimmerman made a motion for a conditional approval until August 5, 2013.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman - Aye
Mrs. Hays - Aye
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

11. Decision Required: Transfer

TRANSFER FROM:

RE: Jessica Spruill
for the use of ABC Sales
Inc.
t/a ABC Sales
882 W. Main St.
Emmitsburg, MD 21727
Class A, Off Sale, Beer Only

TRANSFER TO:

RE: Jessica Spruill, Naren
Chhay and Narin Chhay
for the use of Pech
Ngorn Inc.
t/a Pech Ngorn
882 W. Main St.
Emmitsburg, MD 21727
Class A, Off Sale, Beer Only

The Board held a hearing for a transfer of a license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: the Retail Sales Tax license and the Inspector's Report. The Sales Tax license has to be corrected.

MOTION: Mr. Zimmerman made a motion for a conditional approval until May 6, 2013.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman - Aye
Mrs. Hays - Aye
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

12. Decision Required: New

RE: Lydia Baker, Pierce
Baker and James
Monahan III
for the use of Spin the
Bottle Co.

t/a Spin the Bottle Co.
220 E. Patrick St.
Frederick, MD 21701
Class A, Off Sale, Beer, Wine and Liquor
Sunday Permit, WT

The Board held a hearing for a new license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: the Retail Sales Tax license, the Zoning, the Occupancy Permit, Fire Marshal and the Inspector's Report. The applicant stated they did apply for the Retail Sales Tax license and the Fire Marshal needs to inspect. They are requesting an exemption to have access to the bathroom from the wine shop and the interior sales area. Inspector DeLauter stated they are compliant.

Protest – Bob Kannor owner of the Viniferous Wine & Beer Shop stated this location would be competition for his business and that the manager works for a distributor as a solicitor. Ms. Vahle stated Mr. Kannor would have to contact the Comptroller's Office regarding the solicitor's license.

MOTION: Mr. Zimmerman made a motion to approve the exemption.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman - Aye
Mrs. Hays - Aye
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

MOTION: Mr. Zimmerman made a motion for a conditional approval until May 6, 2013.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman - Aye
Mrs. Hays - Aye
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

13. Decision Required: New

RE: Donna M. Zukus and
Patrick W. Johnson for the
use of Viniculture
t/a Viniculture LLC
57 E. Patrick St.
Frederick, MD 21702
Class B, On Sale, Beer and Light Wine

The Board held a hearing for a new license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: the Retail Sales Tax license, the Zoning, Final Occupancy Permit, Fire Marshal, Health Department and the Inspector's Report. The applicant will need to correct the address on the Retail Sales Tax license. The applicant stated they could not negotiate their lease and would have to go to another location. The Board did not make a decision for this license because the application for a license at this location was moot.

14. Decision Required: approval of the Public Meeting Minutes for January 28, 2013.

MOTION: Mr. Zimmerman made a motion to approve the Public Meeting Minutes for January 28, 2013.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman - Aye
Mrs. Hays – Aye
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

15. Decision Required: ***Vote to go into a Closed Session***

The Board voted to go into closed session to consult with legal counsel to obtain legal advice and to consult with staff about potential litigation.

ADJOURN

The meeting was adjourned at 10:56 am.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees